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Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Note verbale dated 31 January 2017 from the Permanent Mission of Chile to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Chile to the United Nations has the honour to submit the voluntary pledges of the Government of Chile with regard to its candidature for election to the Human Rights Council for the period 2018-2020 (see annex).

The Permanent Mission of Chile to the United Nations kindly requests that the present letter and its annex be circulated as a document of the General Assembly.

* A/72/50.

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Annex to the note verbale dated 31 January 2017 from the Permanent Mission of Chile to the United Nations addressed to the President of the General Assembly

[Original: Spanish]

Candidature of Chile for membership of the Human Rights Council for the period 2018-2020

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

Introduction

1. The Government of the Republic of Chile has the honour to present its candidature for membership of the Human Rights Council for the term 2018-2020 in the elections to be held in New York during the seventy-second session of the General Assembly.

2. Its candidature reaffirms its commitment to the promotion and protection of human rights as a guiding principle for the Government and its public policies. The promotion of democracy, human rights and the rule of law is a fundamental pillar of Chilean foreign policy.

3. This conviction has led Chile to become a party to the principal international human rights treaties and instruments that protect civil, political, economic, social and cultural rights, including the right to development, and particularly those referring to women, children and adolescents, older persons, indigenous peoples, migrants and persons with disabilities.

4. Chile is in favour of an operational, effective multilateral system that recognizes the close interrelationship between peace and security, sustainable development and human rights. In that regard, it has consistently advocated strengthening of the universal and regional multilateral mechanisms for promoting and protecting human rights. Chile has played an active role in the Human Rights Council since it was first established and has striven to promote a constructive and dialogue-based approach. During its membership of the Council (2009-2011 and 2011-2014), and throughout its participation as an observer, Chile has actively promoted the mainstreaming and integration of human rights in the multilateral system, including the participation of civil society and the input of human rights defenders. These principles also formed the basis for its participation as a non-permanent member of the Security Council (2014-2015).

5. In general terms, and among its most important human rights initiatives, Chile has recently promoted coordination between United Nations agencies and bodies, gender mainstreaming in the multilateral system, efforts to combat discrimination and intolerance, the autonomy and independence of the special procedures and treaty bodies in monitoring the implementation of the respective international human rights conventions and in assisting countries, and support for the universal periodic review as the main mechanism for dialogue and cooperation on human rights among all States members of the United Nations.

6. With its history of defending human rights, Chile can contribute a conciliatory approach, emphasizing the need for progressive development of international human rights law that reflects the socio-political changes in each country and compliance with international obligations.

National level: progress and commitments

Strengthening human rights institutions

- The Ministry for Women and Gender Equity was established in 2016.
- Also in 2016, the Office of the Undersecretary for Human Rights was created within the Ministry of Justice and Human Rights to coordinate government action on human rights. One of its main responsibilities is to formulate a national human rights plan, which will set out how public human rights policies will be designed and implemented in a cross-cutting manner over a four-year period. It will set goals and targets, assign responsibilities and financial resources, and decide on mechanisms for follow-up and outcome evaluation.
- The National Congress is considering legislation that was drafted in consultation with indigenous peoples and proposes the creation of a ministry of indigenous peoples, councils of indigenous peoples and a national council of indigenous peoples. The councils will be autonomous, representative and participatory entities.
- Draft legislation is also under consideration to create an office of the ombudsperson for children's rights to publicize, promote and protect the rights of children and adolescents.
- The Government is working on draft legislation to establish a national mechanism for the prevention of torture in compliance and in accordance with article 3 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Inclusion, equality and non-discrimination

- Legislative initiatives have been introduced and measures taken in favour of groups that have historically suffered discrimination, including:
  - The decision to submit to the National Congress draft legislation on migration to replace the decree-law of 1975, which reflects a shift from a security-based approach towards a human-rights-based approach.
  - The creation of a ministry of indigenous peoples and of councils of indigenous peoples and a national council of indigenous peoples also reflects this approach, bearing in mind the urgent need for constitutional recognition of indigenous peoples in the context of the discussions regarding a new Chilean constitution.
  - Starting in 2017, Chilean citizens residing abroad will be able to exercise their right to vote.
  - The commitment to submit to the National Congress draft legislation on comprehensive protection for the rights of children and adolescents, which will enhance compliance with the rights enshrined in the Convention on the Rights of the Child.
  - With the aim of advancing towards a more egalitarian society through implementation of the Sustainable Development Goals, the National Council for the Implementation of the 2030 Agenda for Sustainable Development has been established.

Justice and memory

- Efforts will continue to investigate, punish and provide compensation for war crimes and crimes against humanity, in particular those committed between 11 September 1973 and 10 March 1990.
- Work will continue on preserving the historical memory of human rights violations.
- Efforts will continue to reform military justice by aligning its provisions with international standards and obligations, principally through a new code of military justice. Action has already been taken to remove civilians and minors from the jurisdiction of military tribunals. A recent example of such efforts is Law No. 20.968 of 22 November 2016, which criminalizes torture and cruel, inhuman and degrading treatment.

Promotion of human rights and intercultural education and training

- The national human rights plan will promote education and training on human rights as part of preschool, primary, secondary and higher education, as well as in the education, training and advanced training programmes of all State authorities and officials, including the Public Prosecution Service, the Public Criminal Defender Service, members of the armed forces, the Carabineros (police), the Policía de Investigaciones (investigative police), the prison service and the municipalities.
- In addition, intercultural education will be provided for all Chileans as part of the education reform, with the result that indigenous history and the world view of indigenous peoples will be included in instruction at all levels.

Initiatives to combat impunity

- A constitutional reform has been proposed that would abolish the statute of limitations and amnesty for war crimes, crimes against humanity and genocide.
- Legislation has been drafted that aligns criminal law on amnesty, commutation of sentence and the statute of limitations for criminal proceedings and penalties with international law.
- Torture has been criminalized (Law No. 20.968 of 22 November 2016).
- Draft legislation is under consideration that criminalizes enforced disappearance, in compliance and in accordance with the International Convention for the Protection of All Persons from Enforced Disappearance.

National action plan on business and human rights

- Chile is formulating a national action plan on business and human rights in order to implement the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework adopted by the Human Rights Council in 2011.

International level: progress and commitments within the universal and regional human rights systems

Universal system

7. Chile is convinced that more effective cooperation of States with the universal human rights system will strengthen the preventive role of the United Nations in the field of human rights and facilitate more comprehensive progress towards the goals of peace, stability and sustainable development. For this reason, Chile considers it of great importance to support all initiatives designed to strengthen the Human Rights Council and its universal periodic review and special procedures, the Office of the United Nations High Commissioner for Human Rights, the treaty bodies and the participation of national human rights institutions.

8. In this way, Chile will continue to promote the strengthening of all these multilateral mechanisms for the protection and promotion of human rights, so that they can continue to support States in building national capacity and contribute to the improvement of the human rights situation on the ground.

9. Chile is a party to the nine major human rights conventions currently in force in the United Nations system, and reaffirms its commitment to their universal ratification as an indispensable condition for a strengthened international human rights protection system.

Human rights treaty bodies

- Visit to Chile by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2016).
- Consideration of the initial report on implementation of the Convention on the Rights of Persons with Disabilities (2016).
- Consideration of the fourth periodic report on implementation of the International Covenant on Economic, Social and Cultural Rights (2015).
- Consideration of the combined fourth and fifth periodic reports on implementation of the Convention on the Rights of the Child and the optional protocols thereto (2015).
- Consideration of the sixth periodic report on implementation of the International Covenant on Civil and Political Rights (2014).
- Consideration of the combined nineteenth to twenty-first periodic reports on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (2013). Preparation of the combined twenty-second and twenty-third periodic reports is under way.
- Consideration of the combined fifth and sixth periodic reports (2012) and submission of the seventh periodic report (2016) on implementation of the Convention on the Elimination of All Forms of Discrimination against Women.
- Consideration of the initial report on implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2011). Preparation of the second periodic report is under way.

Special procedures of the Human Rights Council

- Open and standing invitation since 2009.

- Official visits to Chile by the Special Rapporteur on the right to education (2016), the Special Rapporteur on the rights to freedom of peaceful assembly and of association (2015), the Special Rapporteur on extreme poverty and human rights (2015), the Working Group on the issue of discrimination against women in law and in practice (2014), the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2013) and the Working Group on Enforced or Involuntary Disappearances (2012).

- Special procedure invitations for 2017 extended to: the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the right to food; and the Special Rapporteur on the rights of indigenous peoples.

Universal periodic review

Chile accepted almost all (180 out of 185) of the recommendations made by the participating countries during the country's second universal periodic review process (2014). The mid-term report on the implementation of those recommendations will be submitted in 2017.

Human Rights Council

Chile identifies and recognizes the Council as the principal forum within the United Nations system for cooperation, dialogue and consensus-building on the subject of human rights. Chile will promote the ongoing strengthening of its institutions and continue to support its prevention and protection work in the face of human rights violations. In this regard, Chile believes that it would be highly advisable to streamline the Council's work in view of the exponential growth of its mandates, the worrying reduction in resources for the work of the Office of the United Nations High Commissioner for Human Rights and the impact of humanitarian crises around the world. The Council should focus on the refugees and displaced persons resulting from such crises and on the rights of persons historically subjected to discrimination.

Principal actions of Chile within the universal system

- Co-facilitation of the biennial General Assembly resolution on a moratorium on the use of the death penalty (2008-2014).

- Promotion of Human Rights Council resolutions on the role of good governance in the promotion and protection of human rights, local government and human rights, and civil society space.

- Active participation in the Permanent Forum on Indigenous Issues and in work relating to the participation of indigenous peoples in relevant organs of the United Nations on matters of interest to them.

- Promotion of universal ratification of the Convention against Torture, in the context of the Convention against Torture Initiative, of which Chile is a member.

- Election of Chile to the Executive Board of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) (2017-2019).

- Election of Chile to the Commission on the Status of Women (2017-2021).

- Support from Chile for the code of conduct promoted by the Accountability, Coherence and Transparency Group to limit veto use in the Security Council in

cases of war crimes, genocide or crimes against humanity and for the joint French-Mexican political statement on the suspension of the veto in case of mass atrocities.

- Support in the United Nations and the regional system for the prevention of genocide and mass atrocities. Since 2012 Chile has been a member of the Latin American Network for Genocide and Mass Atrocity Prevention.

- Chile supports the Regional Office for South America of the United Nations High Commissioner for Human Rights, which has been in operation since 2009.

Regional system

As part of Latin America and the Caribbean, Chile strongly supports the regional human rights system. Chile will thus continue to play an active role in regional and subregional bodies dealing with human rights, implement the relevant regional treaties and continue to comply with the decisions and rulings of the system.

Accordingly, Chile has taken the following measures relating to regional human rights issues:

- Political and financial support for the inter-American human rights system (Inter-American Commission on Human Rights and Inter-American Court of Human Rights): special contributions and hosting of the 158th session of the Inter-American Commission on Human Rights (2016).

- Compliance with decisions and rulings of the inter-American human rights system.

- Signing (June 2015) and submission (June 2016) to the National Congress of the Inter-American Convention on Protecting the Human Rights of Older Persons.

- Submission to the National Congress of the Asunción Protocol on the commitment of the Southern Common Market (MERCOSUR) to the promotion and protection of human rights (2016).

- Participation in meetings of subregional human rights bodies: Meeting of High-Level Authorities from Human Rights Secretariats and Foreign Ministries of MERCOSUR and Associated States; Union of South American Nations (UNASUR) high-level group on human rights; and Ibero-American Intergovernmental Network for Technical Cooperation.

- Participation in the adoption of the American Declaration on the Rights of Indigenous Peoples (June 2016).

- Visit to Chile by the Inter-American Commission on Human Rights Special Rapporteur for Freedom of Expression (June 2016).

- Session of the Organization of American States Committee on the Elimination of Discrimination against Persons with Disabilities held in Chile (2016).